

Council Senate Members

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May 22, 2003

MINUTES

Room 137, State Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

COMMITTEE MEMBERS PRESENT

Rep. Kim Gillan, Chair
Sen. Bob Keenan, Vice Chair
Sen. Vicki Cocchiarella
Sen. Brent Cromley
Sen. Duane Grimes
Rep. Roy Brown
Rep. George Golie
Rep. Jeff Laszloffy
Rep. Doug Mood

COMMITTEE MEMBERS EXCUSED

Sen. Jon Tester
Sen. Fred Thomas
Rep. David Wanzenried

STAFF PRESENT

Lois Menzies, Executive Director, Legislative Services Division (LSD)
Dave Bohyer, Research Director, LSD
Greg Petesch, Legal Director, LSD
Dawn Field, Secretary, LSD

AGENDA & VISITORS LIST

Agenda, Attachment #1.
Visitors' list, Attachment #2.

COMMITTEE ACTION

- ▶ approved February 7, 2003 minutes as written;
- ▶ assigned the SJR 32 study to the Legislative Council;
- ▶ approved assignment of the remaining study resolutions as recommended by staff;
- ▶ approved a property transfer between the State of Montana and the City of Whitefish;
- ▶ approved a property transfer between the State of Montana and Virginia City;
- ▶ approved funding for an organizational meeting for the Energy and Telecommunications Interim Committee;
- ▶ approved NCSL and CSG committee appointments;
- ▶ approved financial support for PNWER members to attend regional meeting;
- ▶ approved fiscal year 2004 and fiscal year 2005 LSD budgets;
- ▶ approved the proposed Council meeting dates for the upcoming interim; and
- ▶ approved management changes in the TVMT program.

CALL TO ORDER AND ROLL CALL

Rep. Gillan called the meeting to order at 10 a.m. Roll call was taken. Senators Tester and Thomas and Representative Wanzonried were excused (Attachment #3). Rep. Golie asked to have added to the agenda for today's meeting an update from the Legislative Fiscal Division concerning the current revenue status and the upcoming federal legislation. Rep. Gillan said she was looking forward to working with the members of the Council and to a productive interim.

APPROVAL OF MINUTES

Sen. Cocchiarella **moved** that the February 7, 2003 minutes be approved as written. The minutes were unanimously approved with a voice vote.

INTERIM STUDY ASSIGNMENTS

Rep. Gillan said there were 13 study resolutions to be completed in the upcoming interim (Exhibit #1), compared to 20 assigned last interim. She stated the Council would go through the

list of proposed studies in the order in which they were ranked by the legislators, that sponsor input would be encouraged, that staff has recommended assignment of the studies to interim committees, and that the final assignments would be determined by the Council.

#1: SJR 32 (malpractice insurance rates and tort reform) - staff recommendation: assign to Economic Affairs Interim Committee. Sen. Grimes expressed reservation at the Economic Affairs Committee assignment and said the Senate had intended SJR 32 be assigned to the Law and Justice Interim Committee. He said staff has recommended that SJR 31 be assigned to Law and Justice which, like SJR 32, will be a time consuming study and proposed that the Legislative Council conduct the SJR 32 study. Sen. Grimes noted the very large increases in malpractice insurance rates that Montana hospitals and health care providers are having to pay and stated that if the trend continues, it's almost a crisis situation. He said that he had served on the Governor and Attorney General's Alcohol and Drug Task Force, which utilized private sector experts, and thought that was a very effective approach and recommended the SJR 32 study use a similar approach. Sen. Grimes suggested forming a subcommittee consisting of the private sector experts, community members, and Legislative Committee members. The subcommittee would then bring its work to the Legislative Council for review, discussion, and proposals.

#2: HJR 3 (child abuse and neglect proceeding representation) - staff recommendation: assign to Children and Families Interim Committee. No sponsor input was given.

#3: HJR 4 (water management practices study) - staff recommendation: assign to Environmental Quality Council (EQC). No sponsor input was given.

#4: SJR 17 (simplification of workers' compensation laws) - staff recommendation: assign to Economic Affairs Interim Committee. No sponsor input was given.

#5: SJR 31 (studying the elements of Montana's juvenile justice system regarding juvenile probation) - staff recommendation: assign to Law and Justice Interim Committee. **Sen. Bill Tash, SD 17**, said SJR 31 is an important study resolution and was appreciative of the high ranking it received. Sen. Tash said that the best course of action, for administrative purposes including cost effectiveness, would be to place all elements of the juvenile justice system within the Department of Corrections but that the study would investigate all of the possibilities. Sen. Tash said the goal of the study was to determine the most beneficial means of providing the services juveniles were in need of in the most consistent and cost effective way. Sen. Cocchiarella said she had attended the juvenile justice conference organized by the National Conference of State Legislatures (NCSL) and was very impressed with the level of insight into and knowledge of this issue displayed at the conference. She encouraged the Law and Justice Interim Committee to use NCSL as a resource in conducting this study.

#6: SJR 11 (study the problems of alcohol and drug abuse and of prevention, early intervention, and treatment) - staff recommendation: assign to Children and Families Interim Committee. Sen. Grimes stated that this study was clearly a continuation of the Drug and Alcohol Task Force. Rep. Gillan relayed to the Council that Sen. Schmidt could not attend the meeting but was comfortable with the proposed study assignment. Sen. Schmidt is a member of the Children and Families Interim Committee and will participate in the study. Sen. Keenan said a related concern is the escalating number of people requesting mental health placement and services who suffer from self-induced brain disorders resulting from drug and alcohol abuse.

#7: SJR 29 (appraisal of centrally assessed property) - staff recommendation: assign to Revenue and Transportation Interim Committee. No sponsor input was given.

#8: HJR 43 (reclamation efforts at the Zortman and Landusky mines) - staff recommendation: assign to EQC to prepare a staff white paper. No sponsor input was given.

Rep. Windy Boy was unable to attend the meeting due to a death in his family.

#9: HJR 37 (subdivision and platting act) - staff recommendation: assign to Education and Local Government Interim Committee. Sponsor Rep. Noennig was not able to attend but Dave Bohyer presented an e-mail letter from Rep. Noennig outlining the need for the study (Exhibit #2) and also submitted a letter from Jim Kembel, Montana Association of Registered Land Surveyors (MARLS) lobbyist (Exhibit #3), extending support for the study.

#10: HJR 35 (state share of water under Yellowstone River Compact) - staff recommendation: assign to EQC. **Jack Stults, Water Resources Division Administrator, Department Of Natural Resources (DNRC), & Yellowstone River Compact Commission representative**, presented some background information to the Council (Exhibit #4). Mr. Stults' testimony included comments on:

- historical use of the Yellowstone River Basin water in Montana and Wyoming;
- the establishment of Title 85, chap.20, part 1, MCA, which defines the compact signed between Montana and Wyoming in 1951; and
- Montana's growing concern that the law is not being followed nor properly administered.

#11: HJR 40 (effects of ponds on water use) - staff recommendation: assign to EQC. No sponsor input was given.

#12: HJR 8 (drop-out issues with regard to Indian students) - staff recommendation: assign to State-Tribal Relations Committee. No sponsor input was given.

#13: SJR 13 (energy efficiency in state building codes) - staff recommendation: assign to Energy and Telecommunications Interim Committee. **Sen. Ken Toole, SD 27**, gave copies of SJR 13, a newspaper article from the Missoulian, and three letters in support of the SJR 13 study to the Council (Exhibit #5). Sen. Toole said this bill request originally dealt with building codes only but in the Senate energy committee, it was amended to expand the coverage to include energy conservation and efficiency. Sen. Toole wanted to be certain that the Council understood the full scope of the study and approved of its committee assignment. Rep. Gillan asked if the issues the EQC dealt with in the last interim were primarily related to energy generation or energy conservation. Sen. Toole said the previous interim's work resulted in the publication of two booklets: a primer on energy, energy issues, and terminology and a primer on energy law. Conservation was mentioned but was not addressed as a specific topic.

Dave Bohyer, Research Director, Office of Research and Policy Analysis, LSD, presented the Council with the study poll results and gave staff's recommendations on study committee assignments (Exhibit #1). Mr. Bohyer reviewed the polling process and explained how the staff arrived at its recommendations. The results were compiled May 15, 2003.

Mr. Bohyer also reported that staff annual leave and compensatory time accruals and branch policy regarding leave balances have considerable implications on these assignments. A number of staff have leave balances that must be reduced (Exhibit #6).

Rep. Gillan stated that, based on the input received today, SJR 32 was the only study where placement was an issue. Mr. Bohyer stated that staff views this study as primarily an insurance issue related to the cost and availability of coverage for health care practitioners and facilities. Staff also considered staff and committee workloads in recommending this study to the Economic Affairs Interim Committee. Sen. Cocchiarella said that SJR 32 and SJR 17 seem large in scope and that she was concerned that the Economic Affairs Interim Committee would have sufficient time to handle both studies. Sen. Grimes restated his opinion that Economic

Affairs Committee members have not had the experience needed to deal with this subject matter, that he appreciated Mr. Bohyer's perspective that it is an insurance related study, and repeated his suggestion to form a subcommittee from other committee members and to use private sector experts to reduce costs. Sen. Grimes again recommended Legislative Council retain SJR 32 and asked Mr. Bohyer for his input. Mr. Bohyer said depending on how active the group or groups that Sen. Grimes suggested might be, there would be an impact both on the budget and the staff. He asked if Sen. Grimes was proposing the study be completed by the full Legislative Council or by a subcommittee formed under the Legislative Council. He also explained that a subcommittee may require the same amount of staffing and time as a full interim committee. He stated that the Legislative Council must make the final decision and that LSD would provide the support needed.

Sen. Cocchiarella asked **Lois Menzies, Executive Director, LSD**, if there was an adequate budget and time allowance to accommodate the expansion needed to take on this study. Ms. Menzies answered that she had proposed an eight-meeting schedule for the interim, one meeting less than the previous interim, and that schedule was sufficient to complete the statutory duties of the Council. If SJR 32 were to be added to the Council work load, it likely would be necessary to create a subcommittee that would meet in advance of each of those eight meetings in order to get the work done.

Rep. Golie asked Mr. Bohyer if he anticipated subcommittees from the private sector having a lot of input to this study. Mr. Bohyer said that he did not anticipate private sector subcommittees, per se. Instead, interested parties would be invited to share relevant information but would not be a part of the decision making process. Rep. Golie said he was in favor of keeping SJR 32 assigned to the Economic Affairs Interim Committee because its members have experience and knowledge from the Business and Labor Standing Committees. Sen. Cocchiarella said teaming four members from the Legislative Council with the Economic Affairs Committee might be a possible compromise.

Sen. Keenan said because of the high number of points given this study, it was obvious to him this was a high priority issue and it must be done correctly; even though cost and staffing must be considerations, achieving results is equally important. He expressed disappointment with last interim's SJR 22 results and said he felt a personal obligation to make SJR 32 a priority. Sen. Keenan also stated SJR 32 was more than simply an insurance issue and that Montanans would never have affordable health insurance until health care is affordable.

Rep. Brown said in looking at the makeup of the Economic Affairs Committee, he disagreed that they would have better knowledge. He asked Ms. Menzies to clarify her answer to Sen. Cocchiarella's earlier question concerning the Legislative Council budget. Ms. Menzies said she had budgeted for eight meetings and if SJR 32 was added to the Council's workload, there would be a need for additional funding. Ms. Menzies explained there is a contingency account of \$100,000 held in reserve for funding situations like this. Sen. Brown said he thought Sen. Grimes should be allowed to designate the committee assignment since it was his resolution and if it was placed with Economic Affairs, he recommended four Legislative Council members be assigned to follow it.

Sen. Laszloffy said he agreed this was a high priority topic and now was the time to address it

because a legislative session would not allow the time or resources needed to study it.

Sen. Grimes said Sen. Cocchiarella's and Rep. Golie's suggestions to assign SJR 32 to the Economic Affairs Committee with Legislative Council input were valuable and asked that whomever conducts the study utilize private sector and public input to the maximum extent possible. He said these groups should do some of the work and bring recommendations to the table for consideration. Sen. Grimes asked whether members of the Children and Families Interim Committee should be included.

Mr. Bohyer said the makeup of the study group should not be decided until the breadth and scope of the study itself is determined. The scope of the study would obviously be a major factor in deciding the makeup of the study group. Montana law allows for the Legislative Council to create a committee to address specific issues of statewide importance. If the Council chooses to do that, the new committee could look at liability issues in general rather than the narrower scope of health care liability. Mr. Bohyer advised the Council that staffing for a broader study would expand exponentially and there would be considerably more expense involved.

Sen. Keenan said he thought if SJR 32 were to be limited to a narrow scope of study resolution, then he would assign it to the Economic Affairs Committee. He said it would be very challenging to limit the study to just what is written because of the many factors involved: health care access, quality, cost, etc. Sen. Keenan said that spending an extra \$5,000 for additional staffing to aggressively study the issues would be a wise use of funds. He went on to state that Montana was nearing the point where there would be no choice but to deal with the issues, that he was confident the Council could work together to find a solution, and that he was personally motivated to work on them.

Rep. Gillan suggested that the decision as to how to conduct the study be left to the committee to which SJR 32 is assigned. The Legislative Council could make a recommendation on how to handle it but ultimately that decision was not the Council's to make unless the Council retains the study. Sen. Grimes said he appreciated the concerns expressed by Mr. Bohyer and that after considering the Council's discussion, recommended the study be limited to the wording of the resolution.

Rep. Golie **moved** SJR 32 be assigned to the Economic Affairs Committee and that four members of the Legislative Council be assigned to assist with the study. Sen. Cromley said he agreed with Sen. Grimes to maintain the scope of the study as provided within the resolution and asked that it be assigned to the Economic Affairs Committee.

Rep. Gillan asked for public comment.

Mona Jamison, lobbyist, cautioned the Council that valuable time could be wasted if the members chosen are unfamiliar with the issue and have to take time to become educated on the details and history. She urged member selection be based on the existing foundation of knowledge and felt this would expedite the process.

Sen. Cocchiarella said in view of the day's discussion and the knowledge of the issue that the Legislative Council already possesses concerning this issue, she would like to offer a substitute motion to Rep. Golie's motion. Sen. Cocchiarella **moved** to have the Legislative Council retain

SJR 32 and create a subcommittee that would invite other members of the Legislature to participate. Sen. Cocchiarella's motion passed on a voice vote. Sen. Cocchiarella further **moved** to adopt the remaining study recommendations as proposed by the LSD staff. The motion passed on a voice vote.

PROPERTY TRANSFERS CONSULTATION

Ms. Menzies briefly explained the Legislative Council's role in providing consultation on the disposal, sale, or exchange of certain state lands during the interim (Exhibit #7).

Jan Ward, Department of Natural Resources (DNRC), described two proposed property transfers for the Legislative Council's consideration. The first proposal was a request from the City of Whitefish for an easement for a new buried potable water line under the bed of the Whitefish River. The second proposal was a joint proposal from the Montana Historical Society and the Montana Heritage and Development Commission to transfer a water easement from the State to Virginia City (Exhibit #7). Sen. Keenan **moved** that the Legislative Council has appropriately consulted with the DNRC and accepts the Whitefish proposal. The motion passed unanimously on a voice vote. Rep. Gillan **moved** that the Legislative Council has appropriately consulted with the DNRC and accepts the Virginia City proposal. The motion passed unanimously on a voice vote.

ALLOCATION OF FUNDS FOR ORGANIZATIONAL MEETING OF THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

Mary Vandenbosch, Research Analyst, Legislative Environmental Policy Office (LEPO), **LSD**, spoke to the Council about the allocation of funds for and the organizational meeting of the newly created Energy and Telecommunications Interim Committee (ETIC). Ms. Vandenbosch stated that because the ETIC is a new interim committee, there is no funding currently allocated and requested that the Legislative Council approve funding for a one-day organizational meeting to be held June 13, 2003. Ms. Vandenbosch added that there is an adequate balance to pay the expenses of this committee and all the interim committees that wish to meet this fiscal year.

Rep. Golie asked Ms. Vandenbosch if the funding for the meeting would come out of next year's budget or if it would come out of the present Transition Advisory Committee (TAC) funding. Ms. Vandenbosch answered that the proposed funding would come from the current year budget.

Karen Berger, Financial Services Manager, LSD, said the interim studies budget has general fund dollars available, in addition to leftover TAC funding. Ms. Berger said as of the end of April, the amount of the general fund was approximately \$145,000 and that it would fund an organizational meeting for all of the interim committees and still have a remaining balance. Rep. Golie **moved** to fund the ETIC organizational meeting. The motion passed unanimously on a voice vote.

NCSL & CSG APPOINTMENTS

Ms. Menzies provided a review of HB 41:

- It was requested by the Legislative Council, enacted by the 2003 Legislature, and had an immediate effective date.
- It clarified that the appointing authority for legislative membership in organizations such as National Conference of State Legislatures (NCSL) and Council of State Governments (CSG) was the Legislative Council.
- HB 41 also established that the President, the Speaker, and the Senate and House Minority Leaders may recommend appointments for the Legislative Council's consideration.

Ms. Menzies directed the Council's attention to the list of leadership recommendations for NCSL and CSG appointments (Exhibit #'s 8 and 9).

Rep. Gillan emphasized to the Council there was no funding allocated for travel or other associated expenses for the appointees but there occasionally was grant money available that could be used for those expenses. Ms. Menzies said the appointees would receive printed material and other updates whether or not the appointees attended the conferences or meetings.

Rep. Golie recommended that Rep. Galvin-Halcro be appointed to the NCSL Education Committee rather than Rep. Cyr because Rep. Galvin-Halcro was vice chair of the House Education Standing Committee and she did not get an interim committee assignment. Rep. Golie also recommended changing the NCSL Redistricting and Elections Committee appointment from Rep. Juneau to Rep. Jayne because Rep. Juneau has an interim committee assignment and Rep. Jayne does not. Rep. Gillan asked for discussion. Rep. Laszloffy said he supported Rep. Cyr's placement on the NCSL Education Committee and would vote no on the motion to replace him. Rep. Gillan spoke in favor of making the changes. Rep. Gillan said the Council would vote first on Rep. Golie's recommendation to replace Rep. Cyr with Rep. Galvin-Halcro on the NCSL Education Committee. The Cyr/Galvin-Halcro recommendation failed 6 -6 with Senators Cocchiarella, Cromley, Tester (proxy), and Representatives Gillan, Golie and Wanzenried (proxy) voting yes and Senators Grimes, Keenan, F. Thomas (proxy), and Representatives Brown, Laszloffy, and Mood voting no (Exhibit #10). Rep. Gillan then called for a vote on Rep. Golie's recommendation to replace Rep. Juneau with Rep. Jayne on the NCSL Redistricting and Elections Committee. The Juneau/Jayne recommendation passed on a voice vote.

Sen. Keenan said he did not have an appointee in mind for the CSG-West Western Legislative Futures Forum Committee and was open to suggestion. Sen. Grimes **moved** that Sen. Perry be appointed. The motion passed unanimously on a voice vote. Rep. Mood said his slot for the NCSL Financial Services Committee was vacant and **moved** to appoint Rep. Sinrud to fill the vacancy. The motion passed unanimously on a voice vote. Rep. Mood **moved** to change his Legislative Council on River Governance appointment from Rep. Fisher to Rep. Stoker. The motion passed unanimously on a voice vote. Sen. Cromley **moved** that the recommendations for NCSL and CSG appointments as amended be approved. The motion passed unanimously on a voice vote. Ms. Menzies said she would notify the appointees of their committee assignments and make it clear there was no funding attached but that they would derive benefit from the written material.

FINANCIAL SUPPORT FOR MONTANA MEMBERS TO ATTEND THE PACIFIC NORTHWEST ECONOMIC REGION'S ANNUAL MEETING

Rep. Gillan provided background information on the Pacific Northwest Economic Region (PNWER):

- Montana has not previously paid dues to this organization and there is no funding available for dues this biennium.
- There is an upcoming annual meeting in Canada that will discuss oil, gas, and other issues very relevant to Montana's economy.
- The Legislative Council has, in past years, provided partial funding for delegates who attended and Sen. Roush is requesting funding again.
- In 2002, the Legislative Council allocated \$1,000 for two people to attend.
- The total cost for one person to attend the Calgary meeting would be about \$1,500 with \$300 of that amount being the cost of the meeting registration.

Rep. Gillan asked if the Council wanted to provide financial support to the PNWER appointees who wished to attend the annual meeting. She said if not, should the Legislative Council send a letter to PNWER stating that since Montana is not a dues-paying member, the state would not be sending an official delegation. Any Montana legislators in attendance would be there on their own.

Sen. Keenan said he had had several discussions with Sen. Roush and Sen. Curtiss concerning PNWER and that they felt very strongly about the importance of sending Montana delegates to the conference. The Montana delegates appointed are Rep. Hurwitz, Rep. Gillan, Sen. Curtiss, and Sen. Roush. Rep. Gillan said she would not be able to attend.

Rep. Golie said that since the Legislative Council has provided partial funding in the past, he did not want to cut off that support now. Sen. Cromley asked how many delegates were planning on attending. Rep. Gillan said she did not know and suggested that if funding was made available, perhaps it should be a set amount per person.

Rep. Golie **moved** to fund two attendees at \$1,500 per person. Sen. Cocchiarella asked why have four appointees to PNWER if only two will be funded. Sen. Cocchiarella expressed hesitation to fund PNWER since the Council was not providing funding for NCSL or CSG delegates.

Rep. Golie **made a substitute motion** to provide funding of \$1,500 per person for three attendees to the annual meeting. The motion failed on a voice vote. Sen. Cocchiarella **moved** to fund the PNWER delegates at \$500 per person. After discussion on whether the funding would come from fiscal year 2003 or fiscal year 2004, Sen. Cocchiarella **made a substitute motion** to pay the \$300 registration fee for the PNWER delegates, with funding provided through the fiscal year 2003 budget. The motion passed on a voice vote, with Sen. Keenan and Reps. Laszloffy and Mood voting no.

BUDGET ITEMS

Ms. Menzies provided an update on the fiscal year 2004 and 2005 LSD budgets as approved by the 2003 Legislature. She noted that the Legislature designated the Legislative Branch budgets as biennial (Exhibit #11) rather than annual.

Karen Berger said that the Legislative Council is the approving authority for the LSD and that she was seeking the Council's approval of the LSD's operating budgets for the 2005 biennium (Exhibit #12).

The first budget presented for the Council's consideration was Program 20, LSD's operations budget (Item 1). Sen. Grimes **moved** that Item 1 be approved. The motion passed unanimously on a voice vote.

The second budget presented was Program 21, the budget for interim committees and activities (Item 2). Sen. Grimes **moved** that Item 2 be approved. The motion passed unanimously on a voice vote.

Ms. Berger explained that the third budget item, transferring \$200,000 for Feed Bill augmentation, required approval from the Council, Senate President, and House Speaker (Item 3). She said that the Feed Bill was reduced by \$200,000 at the beginning of the 2003 session but that this amount was added to the Program 20 budget at the end of the session. The \$200,000 was designated as Feed Bill augmentation, meaning it is required to be spent for Feed Bill purposes. Program 20 has no authority to spend anything for Feed Bill purposes, so the money must be moved from Program 20 to the appropriate programs (LSD Program 22, Senate Program 25, and House Program 26) before it can be spent.

Sen. Cocchiarella **moved** to transfer the \$200,000 for Feed Bill augmentation from Program 20. The motion passed unanimously on a voice vote.

Sen. Keenan approved the transfer of \$68,000 from LSD Program 20 to Senate Program 25.

Speaker Mood approved the transfer of \$110,000 from LSD Program 20 to House Program 26.

Kevin Hayes, Publications Coordinator, LSD, (Exhibit #13) provided information on the low bids for three session publications and recommended the following prices:

- 2003 History and Final Status & 2nd and 3rd Reading Votes - \$75 per set;
- 2003 Session Laws - \$95 per set; and
- Legislative material on CD-ROM (produced in-house) - \$150 per set.

Sen. Cocchiarella **moved** to approve the recommended session publication prices. The motion passed unanimously on a voice vote. Sen. Cocchiarella also thanked Mr. Hayes for his efficient and timely service and hard work during the session.

Greg Petesch, Code Commissioner, LSD, (Exhibit #13) updated the Council regarding the status of publishing the 2003 Montana Code Annotated (MCA). Mr. Petesch covered the following information:

- His recommended purchase price of a full set of MCA remains at \$325 with non-profit and governmental agencies paying \$305.
- The low bid for printing the MCA came from West Group in Eagan, MN.

- The MCA will also be available on CD-ROM for a purchase price of \$240 if purchased with the printed material.
- If ordered separately, the cost for the CD-ROM will be \$315.

Sen. Cromley asked if the annotations are purchased separately from the MCA. Mr. Petesch answered yes. Rep. Mood asked Mr. Petesch how many copies of the printed code are ordered. Mr. Petesch said 3,200 full sets are ordered. Rep. Gillan asked what happens to leftover volumes. Mr. Petesch answered that leftover sets are discounted and sold and that only 50 sets of the 2001 codes remain. Sen. Keenan asked how many sets are sent to the prison. Mr. Petesch answered that the Department of Corrections purchases three sets and inmates frequently purchase the discounted sets.

Sen. Cocchiarella **moved** to approve Mr. Petesch's recommendations for the purchase prices. The motion passed unanimously on a voice vote.

APPROVAL OF LEGISLATIVE COUNCIL MEETING DATES

Ms. Menzies presented the proposed meeting dates for the Legislative Council for the interim (Exhibit #14). She proposed that eight meetings be held. She also suggested that:

- the party caucuses be held on Nov. 17 (morning);
- legislators's continuing education be held on Nov. 17 (afternoon); and
- new legislator orientation be scheduled for November 18 and 19.

Rep. Gillan said there was no need to make a decision on the dates for the caucus, continuing education, and orientation today. Ms. Menzies suggested that the decision be finalized at the September meeting.

Rep. Gillan wanted the Council to be aware that the next meeting dates, September 15 and 16, would accommodate a regular meeting and a planning session to establish the goals and objectives for this Council in the upcoming interim. Rep. Gillan reminded the Council members that attendance is important and said if a Council member misses more than two meetings, the member can be removed from the Council. Exceptions and conflicts do arise, and Rep. Gillan asked Council members to contact Ms. Menzies as soon as they become aware of a conflict.

Sen. Cocchiarella **moved** to adopt the proposed Council meeting dates, subject to necessary revision. The motion passed unanimously on a voice vote

MANAGEMENT ADVISORY SUBCOMMITTEE APPOINTMENT

Rep. Gillan said she would like to appoint Senators Keenan and Cocchiarella and Representatives Mood and herself to the Management Advisory Subcommittee.

SJR 32 SUBCOMMITTEE

Rep. Gillan also appointed Senators Grimes and Cromley and Representatives Brown and Golie as the Legislative Council members of the SJR 32 subcommittee. She instructed them to work with Mr. Bohyer to formulate an agenda and tentative study plan so the group can begin its work as soon as possible.

Sen. Grimes asked Mr. Bohyer to assist him in finding a way to involve the public sector in this study. He stressed the value of their input, due to the extensive knowledge base and experience they possess. Rep. Golie said he thought a subcommittee of the private sector was a great idea but cautioned that the Council must be careful to hold control of the direction of the study. He also suggested appointing two members from the Economic Affairs Interim Committee and two members from the Children and Families Interim Committee to make up the rest of the subcommittee. Sen. Cocchiarella said she agreed with Sen. Grimes' suggestion to use private sector members because their knowledge base is critical to this issue. She suggested they not be named as full committee members, but as interested persons and have them work closely with the members. Rep. Gillan asked the four SJR 32 subcommittee members to communicate with one another and recommended that the additional members be appointed by the September meeting. The SJR 32 meetings will take place in conjunction with the Legislative Council meetings. Sen. Grimes said funding will have to be addressed at the September meeting.

LEGISLATIVE SERVICES DIVISION REPORTS

Lois Menzies presented work load statistics from the 2003 session (Exhibit #6). She noted that the 2001 totals were in parenthesis at the end of each item so the members could make comparisons. Ms. Menzies asked the members to take note of the large increases in IT support and telephone and e-mail messages.

Sen. Cromley asked when the staff compensatory time started to show up. Ms. Menzies said the peak compensatory time accrual occurs when the bill drafting obligations and session committee obligations begin to overlap at the beginning of session.

Ms. Menzies also informed the Council about some upcoming changes in the management of Television Montana (TVMT), the program that provides gavel-to-gavel coverage of Senate and House floor session and produces video minutes for certain standing committees. She said Stephen Maly, TVMT Program Manager, is resigning, effective June 30, 2003, to become Executive Director of Helena Civic Television (HCTV). She explained that during the 2003 session, the LSD contracted with HCTV for TVMT broadcast services. Ms. Menzies said that she is proposing that the LSD contract with a private, nonprofit organization for the services that Mr. Maly has provided in the past. Ms. Menzies stated that the contract would provide for broadcasting of interim committee meetings, coverage of any special sessions, maintenance and procurement of broadcasting and related equipment, and fund raising activities. The contract would be between \$40,000 and \$60,000 for an 18-month period.

Sen. Grimes and Rep. Brown both expressed some reservations concerning the loss of control over broadcasting decisions and the potential for possible misuse of broadcast material. Several members expressed their appreciation of and confidence in Mr. Maly's work and integrity. Ms. Menzies assured the Council that the high standards set by Mr. Maly and the LSD would be

upheld; she said that she would act as contract manager. Mr. Maly emphasized the positive opportunities that would become available under this new arrangement, such as fund raising, donation of services, transmission capacity from local to statewide much sooner than anticipated, and procurement of grant monies. He noted that the State of Montana would retain ownership of the existing broadcasting equipment.

Ms. Menzies said a decision regarding contracting for TVMT needed to be made by July 1, 2003. Sen. Cocchiarella **moved** to endorse the concept presented and to direct Ms. Menzies to pursue a broadcasting contract with a private nonprofit entity. Rep. Laszloffy asked that the Legislative Council have an opportunity to review the proposed contract. Ms. Menzies said that she would mail the contract to members for their review and comment. The motion passed on a voice vote, with Rep. Brown voting no.

PUBLIC COMMENT

There was no public comment given.

FISCAL UPDATE FROM THE LEGISLATIVE FISCAL DIVISION

Mr. Terry Johnson, Principal Fiscal Analyst, Legislative Fiscal Division (LFD), gave the Council a fiscal update for the State of Montana. He spoke first regarding the \$350 billion federal economic growth package agreement reached by the Senate Committee on Finance and the House Ways and Means Committee, including a state by state summary of how it will be broken down (Exhibit #'s 15 and 16).

Mr. Johnson also provided a corporate and individual tax comparison, a snapshot comparing data from fiscal year 2002 to data from fiscal year 2003 (Exhibit #16). In addition, he discussed the general fund revenue status (Exhibit #17). Mr. Johnson said the time frame covers May 2002 through May 21, 2003 and that each revenue source was listed with up-to-date data.

Mr. Johnson provided two additional documents for the Committee's consideration dealing with the general fund budget deficit (Exhibit #18) and the predicted final general fund status at the end of 2005 (Exhibit #19).

ADJOURN

Having no further business, the meeting was adjourned at 3:40 pm.

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